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January 28, 2009

N C R W Q C B

Ms. Lauren Clyde
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

JAN 29 2009

<input type="checkbox"/> EO	<input checked="" type="checkbox"/> WMgmt <u>LRC</u>	<input type="checkbox"/> Admin
<input type="checkbox"/> AEO	<input type="checkbox"/> Timber	<input type="checkbox"/> Legal
<input type="checkbox"/> Reg/NPS	<input type="checkbox"/> Cleanups	<input type="checkbox"/> Date

Re: Comments on the Proposed Low Threat Discharge Basin Plan Amendment

Dear Ms. Clyde:

The City of Healdsburg wishes to express its support for the proposed Low Threat Basin Plan Amendment (BPA). The proposed Low Threat BPA is needed to address the conflict between regional and statewide permits that allow year-round low threat discharges, and the existing prohibitions in the Basin Plan. We agree with the high priority placed on the resolution of this conflict as noted in the Draft Staff Report (North Coast RWQCB, November 20, 2008); and believe the proposed Low Threat BPA will remove an unnecessary obstacle that inhibits water recycling projects including our proposed beneficial reuse project, which is necessary for compliance with our NPDES permit and will have an overall beneficial impact within the Russian River Watershed. The City may need to spend from \$12 to \$15 million to construct our beneficial reuse project, and the importance of this amendment and the certainty that it would provide cannot be overstated.

We concur with the staff report conclusion that the proposed Low Threat BPA will provide a higher degree of water quality protection by acknowledging these low threat discharges. The proposed BPA provides a regulatory program that allows the discharges under prescribed conditions, which will be coupled with more rigorous regulation of irrigation for runoff control. However the proposed BPA appears to provide the necessary flexibility to permit writers to account for project-specific issues.

The proposed Low Threat Discharge Action Plan would impose the requirement that all discharges "comply with applicable water quality objectives." We agree that low threat discharges should not adversely affect beneficial uses. The proposed language, however, is overly restrictive and ambiguous. It is overly restrictive because a low volume, low threat discharge could contain a constituent at a concentration that exceeds a water quality objective but does not cause the objective to be exceeded in waters of the State. Conversely, a discharge could meet water quality objectives at the point of discharge, but still cause an objective to be exceeded because of contact with other constituents (e.g. fertilizers) after the discharge.

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The proposed language is ambiguous in some cases because some water quality objectives are expressed as an allowable receiving water quality change relative to ambient conditions (e.g., turbidity, temperature), which means that compliance cannot be assessed in the discharge alone. Others have raised these issues and have proposed the following revision to the language on page 3 of the proposed Low Threat Action Plan:

"2. The discharge shall not cause ~~comply with all~~ applicable water quality objectives to be exceeded."

The City of Healdsburg strongly supports this alternative and requests that the amendment be revised accordingly.

At its workshop on January 8, 2009, Regional Board staff presented the components of a proposed "Low Threat General Permit", to be developed later, that would cover a wide range of activities, including activities required for the operation of public water systems. These activities may also be covered under reissued municipal storm water permits. These general permits would require a full characterization of proposed discharges, including well flushing. We ask that the Regional Board coordinate closely with staff from the Department of Public Health when developing these provisions to insure that they do unnecessarily burden the activities necessary for responsible operation of public water systems and protection of public health, such as water line and well flushing. Part of that should be to incorporate the revised language above on the application of water quality objectives. In addition, the permits should recognize the extensive data is already collected on potable water quality which would avoid costly and redundant data collection.

The City appreciates the Water Board staff's efforts to bring this important policy revision to the Board for consideration, and thanks the Board for making this possible. We appreciate your consideration of these comments.

Sincerely,



Michael Kim
Director of Public Works/City Engineer